

Rat Misadventures

RD# 6 Mar. 1942

Not Microfilmed

6 March 1942



No. 6 *March*

Sessions, 1942.

In the Court of Quarter Sessions of
Cambria County, Penna.

In re Petition to Vacate a Portion of
a Public Road known as the Carrolltown
Patton road in the Township of East
Carroll, in the County of Cambria and
State of Pennsylvania.

Filed May 20, 1942

PETITION FOR APPOINTMENT OF VIEWERS.

SHETTIG & SWOPE
ATTORNEYS AT LAW
EBENSBURG, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA.

In re Petition to Vacate a Portion
of a Public Road known as the Carroll-
town Patton road in the Township of
East Carroll, in the County of Cambria
and State of Pennsylvania.

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No. 6 *March* Sessions, 1942.

Vacating Portion of Public Road.

PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned freeholders of the Township of East Carroll, County of Cambria and State of Pennsylvania, respectfully represents:

1. A public road has been long since laid out and opened in the Township of East Carroll, in the County of Cambria and State of Pennsylvania, leading from Carrolltown to what was then known as Marks's Mill and is now the site of the Borough of Patton, the said proceedings whereby the said road was laid out and opened being filed in Road Docket 3 at page 63, and said road having been confirmed on the 4th day of April, 1866. Said road has been improved by the Department of Highways of the Commonwealth of Pennsylvania, and it is now known as State Highway Route No. 11048.

2. Recently the Department of Highways repaired and improved said road and in part relocated the same, and by reason of said relocation, which has eliminated two sharp curves, a portion of said road has become useless, inconvenient and burdensome to the taxpayers and citizens of said Township of East Carroll, and the undersigned freeholders seek to have the same vacated.

3. The portion of said road which it is sought to have vacated is described as follows: The point of beginning of said portion to be vacated is located at a distance of 666 feet in a westerly direction measured along State Highway Route No. 11075 from the intersection of said Route No. 11075 with Route No. 11048, being the Carrolltown Patton Road, which said point is at Station 128+40 on said Route No. 11048, and the point of beginning being on the north-westerly side of said Route No. 11075; thence following the old location of said Route No. 11048 as shown on the map hereto attached and indicated by the words "Township Road to be Abandoned" a distance of 1061 feet to the new location of

said Highway Route No. 11048 at Station 139+0. Said point of ending is distant 1060 feet in a northerly direction along said relocated Route No. 11048 from the point of intersection of said last mentioned route with Highway Route No. 11075, at said Station 128+40 on said relocated Route No. 11048.

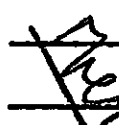
The said road to be vacated is further indicated on the map hereto attached by appearing thereon in dotted lines showing the same as a Township road to be abandoned.

4. On April 29, 1942, a petition was presented to the Court under Rule 301 $\frac{1}{2}$ of the Rules of the Courts of Oyer & Terminer and Quarter Sessions of the Peace of this County for a rule on the County Commissioners of said County of Cambria as provided in said Rule, attached to which is a waiver of the issuing and service of a rule to show cause, which said waiver is provided to be effective as though all requirements of said rule had been complied with, particularly the ten day period provided therein to elapse between the service of said Rule and the return day, and agreeing that the date of said waiver, to wit, April 27, 1942, should be considered as return day of the rule. Upon said petition, the Court made an order permitting the presentation of appropriate petitions to the Court for the vacation of the portion of the road above described.

5. The Supervisors of East Carroll Township have waived any notice required by law or Rule of Court to be served upon them of the intention to present this petition, as appears by their signatures to this petition.

WHEREFORE, your petitioners pray the Court to inquire of and to vacate the portion of the above mentioned road which is hereinabove described, and for that purpose to appoint three members of the permanent Board of Viewers of Cambria County to view said road and inquire of the premises and make return of their proceedings according to law.

And they will ever pray, etc.



Supervisors of East Carroll Township.

E. Paul Hoover

W. A. Westrick

H. P. Dishart

Walter Weaband

Gerald W. Springer

J. P. Springer

Grace M. Miller

A. J. Miller

W. J. Lauer

Bertha O. Lauer

Louis Farabaugh

B. J. Longden

P. F. Kirkpatrick

T. O. Guther

Joseph R. Ralston

W. H. Orsich

B. J. Springer

J. S. Springer

State of Pennsylvania |
County of Cambria | SS:

John S. Springer, being duly sworn according to law, says that he is one of the signers of the within petition, and that the statements therein contained are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me
this 14 day of May, A. D. 1942.

J. Owen
Clerk of Court

NOT A PUBLIC OFFICER

John S. Springer

ORDER.

And now, May 18, 1942, the foregoing petition having been read and considered IT IS ORDERED that James McLean, M. J. Cunningham and B. H. Jenkins, three members of the permanent Board of Viewers of Cambria County, be and they are appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

James McLean

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

IN RE: Appointment of Viewers to (NO. 6 MARCH SESSIONS
Vacate a Certain Portion of Public)
Road in the Township of East Carroll, ()
Cambria County, Pennsylvania.) 1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether a certain portion of road in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department, making said portion of public road expensive and burdensome to maintain. The portion of road to be vacated is known as State Road No. 11048 and is located as follows:

Measured along State Route No. 11075 from a point on Route No. 11048, Station No. 128 + 40, a distance of 666 Feet to place of beginning of road to be vacated; thence following the old location of Route No. 11048 a distance of 1061 Feet to where it intersects with the new location of Route No. 11048 at Station 139 + 0, place of ending.

Will meet at the place of beginning, Station 128 + 40, on Wednesday, June 10th., 1942, at 10 o'clock A. M., to attend to the duties of our appointment at which time and place all interested parties may appear and be heard if they think proper.

VIEWERS (JAMES McCANN
(M. J. BAUMGARDNER
(S. H. JENCKS

Service Accepted

Road SUPERVISORS

*W. A. Kertrick
E. Paul Hoover
H. P. Bushart*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

IN RE: Appointment of Viewers to
Vacate a Certain Portion of Public
Road in the Township of East Carroll,
Cambria County, Pennsylvania.

(NO. 6 MARCH SESSIONS
)
(
) 1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether a certain portion of road in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department, making said portion of public road expensive and burdensome to maintain. The portion of road to be vacated is known as State Road No. 11048 and is located as follows:

Measured along State Route No. 11075 from a point on Route 11048, Station No. 128 - 40, a distance of 666 Feet to place of Beginning of road to be vacated; thence following the old location of Route No. 11048 a distance of 1061 Feet to where it intersects with the new location of Route No. 11048 at Station 139 - 0, place of ending.

Will meet at the place of Beginning, Station 128 - 40 on Wednesday, June 10th., 1942, at 10 o'clock A. M., to attend to the duties of our appointment at which time and place all interested parties may appear and be heard if they think proper.

VIEWERS

(JAMES McCANN

) M. J. BAUGARDNER

) S. H. JENCKS

accepted June May 27-1942
H. F. Don
Cliff

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA.
NO. 6 MARCH SESSIONS, 1942.

IN RE: APPOINTMENT OF
VIEWERS TO VACATE A CERTAIN
PORTION OF PUBLIC ROAD ALONG
STATE HIGHWAY ROUTE FROM NO.
11075 to 11048, IN EAST
CARROLL TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

ORDER OF COURT AND REPORT
OF VIEWERS.

Filed July 1, 1942

JAMES MCCANN

M. J. BAUMGARDNER

S. H. JENCKS

VIEWERS.

*Approved this 14th day
of Sept, 1942 by the
Court
McKinnell
Judge*

Called 12/21/42

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

IN RE: Appointment of Viewers to ()
Vacate Certain Portion of Public () NO. 6 MARCH SESSIONS
Road along State Highway Route No. ()
11075 in East Carroll Township, ()
Cambria County, Pennsylvania. () 1942

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court:

We, the undersigned Viewers, appointed by the attached order of the above Court, to view and determine whether certain portion of Public Road along State Highway Route No. 11075, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making such portion of public road useless and burdensome to maintain, respectfully report:

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, as attested by the records of said Court; that due notice was given to the public at least ten days prior to the holding of said View of the time, place and purpose of meeting to view the road in question, by the posting of notices at the termini of said portion of road, along the route, and at points adjacent thereto, and by the serving of notices on the Commissioners of Cambria County and the Supervisors of East Carroll Township, copies of all these notices being hereto attached and made a part of this report as proof of service.

That we met in accordance with the notices given, on Wednesday, June 10th., 1942, at 10:00 o'clock A. M., and proceeded to view the portion of road to be vacated. There were present the three Viewers and Mr. Springer, Secretary of the Board of Road Supervisors of the above named Township. The members of the Board of Road Supervisors had been contacted personally when acknowledgement of receiving notice of view was received and expressed themselves as being in favor of the vacating of the portion of public road as indicated below.

Said portion of road to be vacated is located as follows:

Measured along State Route No. 11075 from a point on Route 11048, Station No. 128 + 40, a distance of 666 Feet to place of beginning of road to be vacated; thence following the old location of Route No. 11048 a distance of 1061 Feet to where it intersects with the new location of Route No. 11048 at Station 139 + 0, place of ending.

The portion of road to be vacated was carefully gone over by the Viewers, accompanied by Mr. Springer, Secretary, and at the conclusion of the View all the Viewers were agreed that the prayer of the petitioners should be granted and the portion of road indicated on map attached and on this report should be vacated because of being useless and burdensome to maintain.

This was accordingly done and by unanimous vote of the Viewers the road was ordered vacated.

Respectfully submitted,

James M. Cain

Markus Baumgardner

A. H. Euckes

VIEWERS.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA .

In Re:

Appointment of Viewers to vacate a certain portion of public road from State Highway Route No. 11075, to State Highway Route No. 11048, in East Carroll Township, Cambria County, Pennsylvania

No. 6 March Sessions
1942

Cambria County Commissioners

	To	James McCann	Dr.	
May 28, 1942		Posting and serving notices		\$6.00
		Mileage		4.20
June 10, 1942		On view	1/2 day	6.00
			32 miles -----	3.20
		Stenographer		3.00
		Preparing and filing report		6.00
		Preparing plans		6.00
		Prints		3.00
		Mileage - Looking after plans		3.20
				<u>40.60</u>

*July 1
July 1*

JUL 6 1942 RECEIVED

	To	S. H. Jencks	Dr.	
June 10, 1942		On view	1/2 day	\$6.00
			16 miles -----	1.60
				<u>7.60</u>

JUL 6 1942 RECEIVED

	To	M/ L. Baumgardner	Dr.	
June 10, 1942		On view	1/2 day	\$6.00
			16 miles -----	1.60
				<u>7.60</u>

JUL 6 1942 RECEIVED

I hereby certify that the above bill is the exact duplicate of that filed with the County Commissioners.

James M. Cannon
Chairman

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 18th day of May A. D. 1942, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of East Carroll, in the said County, setting forth that they labor under inconvenience for ~~vacating~~ ~~a portion of public road or highway, to lead from~~

See draft and description attached

and therefore praying the Court to appoint proper persons to ~~view and lay out~~ ^{vacate} the same according to law. The Court, upon due consideration had of the premises, do order and appoint

James McCann, M. J. Baumgardner surveyor, and

B. H. Jencks

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for ~~such road~~ ^{vacating}, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

McCann

Attest:

Joseph C. Wess

Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. 6 March 1942 SESSIONS, 192

Order to view and vacate a portion of

of public road, in East

Marroll Twp.

Viewers

James McCann

M. J. Baumgardner

B. H. Jencks

Clerk Joseph C. Hess 90 cts.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNIA.

In re Petition to Vacate a Portion
of a Public Road known as the Carroll-
town Patton road in the Township of
East Carroll, in the County of Cambria
and State of Pennsylvania.

No. *B March* Sessions, 1942.

Vacating Portion of Public Road.

PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned freeholders of the Township of East Carroll, County of Cambria and State of Pennsylvania, respectfully represents:

1. A public road has been long since laid out and opened in the Township of East Carroll, in the County of Cambria and State of Pennsylvania, leading from Carrolltown to what was then known as Marks's Mill and is now the site of the Borough of Patton, the said proceedings whereby the said road was laid out and opened being filed in Road Docket 3 at page 63, and said road having been confirmed on the 4th day of April, 1868. Said road has been improved by the Department of Highways of the Commonwealth of Pennsylvania, and it is now known as State Highway Route No. 11048.

2. Recently the Department of Highways repaired and improved said road and in part relocated the same, and by reason of said relocation, which has eliminated two sharp curves, a portion of said road has become useless, inconvenient and burdensome to the taxpayers and citizens of said Township of East Carroll, and the undersigned freeholders seek to have the same vacated.

3. The portion of said road which it is sought to have vacated is described as follows: The point of beginning of said portion to be vacated is located at a distance of 666 feet in a westerly direction measured along State Highway Route No. 11078 from the intersection of said Route No. 11075 with Route No. 11048, being the Carrolltown Patton Road, which said point is at Station 122+40 on said Route No. 11048, and the point of beginning being on the northwesterly side of said Route No. 11078; thence following the old location of said Route No. 11048 as shown on the map hereto attached and indicated by the words "Township Road to be Abandoned" a distance of 1061 feet to the new location of

said Highway Route No. 11048 at Station 159+0. Said point of ending is distant 1060 feet in a northerly direction along said relocated Route No. 11048 from the point of intersection of said last mentioned route with Highway Route No. 11075, at said Station 128+40 on said relocated Route No. 11048.

The said road to be vacated is further indicated on the map hereto attached by appearing thereon in dotted lines showing the same as a Township road to be abandoned.

4. On April 29, 1942, a petition was presented to the Court under Rule 301 of the Rules of the Courts of Oyer & Terminer and Quarter Sessions of the Peace of this County for a rule on the County Commissioners of said County of Cambria as provided in said Rule, attached to which is a waiver of the issuing and service of a rule to show cause, which said waiver is provided to be effective as though all requirements of said rule had been complied with, particularly the ten day period provided therein to elapse between the service of said Rule and the return day, and agreeing that the date of said waiver, to wit, April 27, 1942, should be considered as return day of the rule. Upon said petition, the Court made an order permitting the presentation of appropriate petitions to the Court for the vacation of the portion of the road above described.

5. The Supervisors of East Carroll Township have waived any notices required by law or Rule of Court to be served upon them of the intention to present this petition, as appears by their signatures to this petition.

WHEREFORE, your petitioners pray the Court to inquire of and to vacate the portion of the above mentioned road which is hereinabove described, and for that purpose to appoint three members of the permanent Board of Viewers of Cambria County to view said road and inquire of the premises and make return of their proceedings according to law.

And they will ever pray, etc.

State of Pennsylvania |
County of Cambria | SS:

John S. Springer, being duly sworn according to law, says that he is one of the signers of the within petition, and that the statements therein contained are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me
this _____ day of May, A. D. 1942.

ORDER.

And now, May _____, 1942, the foregoing petition having been read and considered, IT IS ORDERED that _____

and _____

three members of the permanent Board of Viewers of Cambria County, be and they are appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

